

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

STEVEN I. MALDONADO,

Petitioner,

v.

Civ. No. 20-507 MV/GJF

FNU MARTHENZ, *et al*,

Respondents.

**ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

Magistrate Judge Gregory Fouratt filed a Proposed Findings and Recommended Disposition (“PFRD”) on January 18, 2024, in which he recommended that the Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus be denied and this case be dismissed with prejudice. ECF 42. The PFRD notified the parties of their ability to file objections no later than February 1, 2024 (fourteen days after filing of PFRD), and that failure to do so waived appellate review. *Id.* at 18.<sup>1</sup> Although Respondents filed a Notice of Non-Objection [ECF 43], Petitioner did not object within the time allowed. Accordingly, the Court concludes that appellate review has been waived.

**IT IS THEREFORE ORDERED** that the PFRD [ECF 42] is **ADOPTED**. In addition, because Petitioner failed to make a substantial showing that he has been denied a constitutional right, the Court will **DENY** a Certificate of Appealability. *See* 28 U.S.C. § 2253. A final order entered concurrently herewith **DISMISSES** this case **WITH PREJUDICE**.

  
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MARTHA VAZQUEZ  
SENIOR UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Because Plaintiff receives service by mail, he was permitted to file objections to the PFRD by February 5, 2024. *See* Fed. R. Civ. P. 6(d). He has instead filed nothing even as of the date on which this Order is entered.